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CrI.O.P.(MD) No.1939 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.1939 of 2024

M.Subramanian

...Petitioner

Vs.

1.The Superintendent of Police

**O/o. the Superintendent of Police,
Madurai - 625007.**

2.The Inspector of Police

**Crime Branch Police Station,
Madurai District.**

3.R.Thiraviyam

4.R.Mahendran

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the 2nd Respondent not to harass the Petitioner and his family members as prayed by the Petitioner in his complaint dated 01.02.2024.

For Petitioner : Mr.P.Subbiah

**For R1 and R2 : Mr.M.Veeranathan
Government Advocate (Crl.side)**



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ORDER

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The learned Counsel for the Petitioner submits that this Criminal Original Petition has been filed to direct the 2nd Respondent not to harass the Petitioner and his family members.

2. It is the submission of the learned Counsel for the Petitioner that the Petitioner's brother died in the year 2022 and his brother had filed a suit for partition during his life time against the Petitioner herein and his wife and since as defendants, the Petitioner as defendant had filed written statement. While so, after filing of the suit, the Plaintiff / brother of the Petitioner died. Instead of amending the Plaint, the sons of the Plaintiff/ Respondents 3 and 4 herein had approached the Police / second Respondent and preferred a complaint against the Petitioner. Based on which, the second Respondent is frequently summoning him on Phone. Therefore, the Petitioner had approached this Court, seeking direction against the Respondents 1 and 2 not to harass the Petitioner.

3. The learned Government Advocate (Crl.side), on instructions, would submit that the Petitioner is alleged to have created false patta. Based on the complaint the defacto Complainant, F.I.R registered in



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Crime No.27 of 2023 and on that F.I.R, the Petitioner was arrested and subsequently, released on bail. As on date, the second Respondent had not summoned the Petitioner.

4. The learned Government Advocate (Crl.side), also undertakes that if at all any existence arise, the Respondent Police undertake to summon the Petitioner as per the Ruling of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in (2014) 2 SSC 1 and ***Arnesh Kumar Vs. State of Bihar and another [2014 (8) SCC 273]***, .

5. Recording the submission of the learned Government Advocate (Crl.side), this ***Criminal Original Petition*** is closed. The Respondent Police shall issue summon specifying the time and date. The Respondent Police are directed not to summon the Petitioner by calling him at odd hours, without issuing any summon.

Internet:Yes./No
Index:Yes/No
NCC : Yes/No
LS

08.02.2024



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SATHI KUMAR SUKUMARA KURUP, J.

LS

To

- 1.The Superintendent of Police
O/o. the Superintendent of Police,
Madurai - 625007.
- 2.The Inspector of Police
Crime Branch Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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